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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  FRASER ROTCHFORD,

CASE NO. 19-5023 RJB-JRC

12                  Plaintiff,

ORDER ON REPORT AND  
RECOMMENDATION

v.

13                  DEPARTMENT OF CORRECTIONS,

14                  Defendant.

17                  THIS MATTER comes before the Court on the Report and Recommendation of U.S.  
18 Magistrate Judge J. Richard Creatura. Dkt. 13. The Court has considered the Report and  
19 Recommendation, objections, and the remaining record.

20                  The facts and procedural history are in the Report and Recommendation (Dkt. 13) and are  
21 adopted here. The Report and Recommendation recommends dismissing this case without  
22 prejudice for failure to state a claim and for failure to respond to the Court's orders to show  
23 cause why the case should not be dismissed. Dkt. 13. The Plaintiff's objections do not address  
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1 the Report and Recommendation and are difficult to understand. Dkt. 14. He asserts that he has  
2 been unlawfully transported to Clallam County, imprisoned indefinitely, and that community  
3 corrections employees are “conspiring to disrepute [sic] public health and safety through the  
4 administration of ‘anti-psychotic’ substance they know are causing homicidality [sic].” *Id.* He  
5 references due process and maintains that “absent any court’s discretion subjecting defendants to  
6 involuntary treatment with such substances ostensibly without compensation as and in the hopes  
7 of one day being able to explain why they are behaving in that the manufacturer of such  
8 substances has publlcly [sic] . . . admitted they do not understand how their products in fact  
9 work.” *Id.* The Plaintiff asserts that it “would serve human dignity and trust” that the case  
10 remain open and the Court “respond instructively as how pro se Plaintiff . . . should proceed.”

11 *Id.*

12 The Report and Recommendation (Dkt. 13) should be adopted. The Plaintiff was notified  
13 of the complaint’s deficiencies, including its failure to name a proper defendant in this 42 U.S.C.  
14 § 1983 case and failure to assert any personal participation on the part of a defendant. Dkt. 9, at  
15 3-4. The Plaintiff was instructed to “write a short, plain statement telling the Court: (1) the  
16 constitutional right plaintiff believes was violated; (2) *the name or names of the person or persons*  
17 *who violated the right;* (3) *exactly what each individual or entity did or failed to do;* (4) how the  
18 action or inaction of each individual or entity is connected to the violation of plaintiff’s constitutional  
19 rights; and (5) what specific injury plaintiff suffered because of the individuals’ conduct.” *Id.*, at 4.  
20 He was given until March 22, 2019 to file a proposed amended complaint or show cause why the  
21 case should not be dismissed. *Id.* The Plaintiff moved for and was granted more time (until May 10,  
22 2019) to respond or file the proposed amended complaint. Dkt. 12. The Plaintiff failed to respond.  
23 This Report and Recommendation followed. The Plaintiff’s objections do not provide grounds to  
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1 reject the Report and Recommendation. It should be adopted. The case should be dismissed without  
2 prejudice.

3 **IT IS ORDERED THAT:**

4 The Report and Recommendation (Dkt. 13) **IS ADOPTED**; and

5 This case **IS DISMISSED WITHOUT PREJUDICE**.

6 The Clerk is directed to send uncertified copies of this Order to Magistrate Judge J.  
7 Richard Creatura, all counsel of record, and to any party appearing *pro se* at said party's last  
8 known address.

9 Dated this 1<sup>st</sup> day of July, 2019.

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11 ROBERT J. BRYAN  
12 United States District Judge